

REMARKS

The undersigned notes that the Office Action mailed June 2, 2009 does not include consideration of the Third Supplemental Information Disclosure Statement filed June 26, 2009. The undersigned has enclosed a copy of the Third Supplemental Information Disclosure Statement, and requests consideration by the Examiner of the prior art cited therein.

Claims 1-12 and 26 have been cancelled without prejudice for possible prosecution in a continuing application.

Claims 4-5 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the cancellation of Claims 1-12, the rejection of Claims 4-5 under 35 USC 112, second paragraph, is moot.

Claims 13, 14, 16-18, 20, 23-24 and 26 have been rejected under 35 USC §102(b) as being anticipated by Jacobs (International Publication No. WO 98/46409). Claims 1-12 have been rejected under 35 USC §103(a) as being unpatentable over Jacobs as applied to Claim 13 and further in view of Walsh (U.S. Patent No. 6,248,279). Claim 15 has been similarly rejected under 35 USC §103(a) as being unpatentable over Jacobs as applied to Claim 13, Claims 19 has been similarly rejected over Jacobs as applied to Claim 13 and further in view of Rieger et al. (International Publication No. WO 01/27169), Claim 21 has been similarly rejected over Jacobs as applied for Claim 13 and further in view of Khait (U.S. Patent No. 6,818,173), Claim 22 has been similarly rejected over Jacob as applied to Claim 13 and further in view of Wilson (U.S. Patent No. 6,558,605). The rejections of Claims 1-12 and 26 are moot in light of the cancellation of these claims. Reconsideration of Claims 13-25 is respectfully requested.

Jacobs discloses, in the paragraph beginning on Page 15, line 23, that polypropylene suitable as compatible agents for use in the process of the present invention may include isotactic, syndiotactic and atactic polypropylene and syndiotactic polypropylene of various MFIs, densities and crystallinities as would produce desired properties in products moulded by the process of the present invention. Particularly when blended with low molecular weight plastomers, a wide variety of polypropylene polymers possessing a very wide range of MFIs (1-

200+), densities and crystallinities will produce blends suitable for use in the process of the present invention.

Rieger et al. disclose, in the paragraph beginning on Page 8, line 8, that the body of their invention has been found to be stretchable as well as elastic. The stretchability of the body versus its elastic behavior can be adjusted by means of the tacticity of the homopolymer of the present invention. Rieger et al. further disclose, in the paragraph beginning on Page 9, line 16, that there are known in the art a wide variety of suitable methods to manufacture and/or to further process bodies from the polymer of the present invention including but not being limited to injection molding, extrusion blow molding, extrusion, casting, solution sedimentation, thermoforming, laser forming, carving, combination thereof, and the like.

Claim 13 has been amended to provide that the blend has an MFI of greater than 50. Support for such amendment to Claim 13 is found at least on Page 2, lines 18-20 of the application.

Amended Claim 13 is patentable by calling for a process for the manufacture of flexible thin-walled articles including: injection moulding a blend of (a) at least one polymer and (b) at least one high melt flow compatible polymer having an MFI of greater than 100, wherein the blend has an MFI of greater than 50. None of the cited references disclose the combination of amended Claim 13, which includes that the blend has an MFI of greater than 50.

The novel combination of Claim 13 is important as such combination has made it possible to produce flexible thin-walled articles having improved environmental stress crack resistance.

Claims 14-24 depend from Claim 13 and are patentable for the same reasons as Claim 13 and by reason of the additional limitations called for therein.

For example, Claim 15 is additionally patentable by providing that the high melt flow compatible polymer has an MFI of greater than 300. In this regard, and contrary to the assertion of the Examiner, the novel combination of Claim 15 is not disclosed by Jacobs. As discussed above, the MFI range of Jacobs relied upon by the Examiner relates to a wide variety of polypropylene polymers, particularly when blended with low molecular weight plastomers, and is therefore not of mere general applicability.


Claim 19 is additionally patentable by providing that the (a) and/or (b) polymer includes a polypropylene having varying tacticity within its structure so that the article has improved environmental stress crack resistance. The Examiner acknowledges that the combination of Claim 19 is not disclosed by Jacobs, but states that Rieger et al. teaches using polypropylenes with varying tacticity structures. Contrary to the assertion of the Examiner, there is no suggestion in either Jacobs or Rieger et al. that the teachings of these references be combined in the manner contemplated by the Examiner to call for a polypropylene having varying tacticity within its structure so that the article has improved environmental stress crack resistance. In this regard, there is no disclosure in Jacobs that would lead one skilled in the art to have any expectation that polymers with varying tacticity would be at all suitable, let alone advantageous, for use in the combination of Claim 19, and certainly nothing that would lead one skilled in the art to employ the polymers disclosed in Rieger et al. Further, although Rieger et al. disclose a variety of methods of manufacture, there is no particular preference given to injection moulding.

Claim 25 is patentable for reasons similar to Claim 19 by calling for a process for the manufacture of flexible thin-walled articles including: injection moulding a blend of (a) at least one polymer and (b) at least one, compatible polymer, wherein at least one of (a) and (b) includes a polypropylene having varying tacticity within its structure so that the article has improved environmental stress crack resistance.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

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